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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

IN RE:

HOLOCAUST VICTIM ASSETS
LITIGATIONCase No. CV 96-4845 (ERK)(MDG)
(Consolidated with CV 96-5161 and
CV 97-461)

This document relates to: All Cases

AMENDED MEMORANDUM &
ORDER

Korman, Chief Judge:

I refer to my Court Order, signed May 10, 2006 and attached hereto, in connection with the April 28, 2006 Report and Recommendations of the International Organization for Migration (IOM) for the First Group of Payments to Legal Successors in In Re Holocaust Victim Assets Litigation (Swiss Banks) ("First IOM Legal Successor Report") which includes claims that were approved for payment both by the German Foundation and this Court as indicated in the Report. The First IOM Legal Successor Report advised that, in accordance with the Distribution Plan, my Memorandum & Order dated June 28, 2001, and my Memorandum & Order dated September 25, 2002, IOM will be prepared, on or about May 10, 2006 to begin to transfer payments to 351 eligible legal successors for 226 eligible deceased victims in Slave Labour Class I.

All of the 351 legal successors described in the First IOM Legal Successor Report satisfy the eligibility criteria as stated in the Swiss Banks Settlement Agreement, the Distribution Plan and the HVAP Rules as adopted by the Court in its implementing orders as well as the German Foundation Act, as it is applied to legal succession in the Swiss Banks programmes. Each eligible deceased victim described in the First IOM Legal Successor Report was a member of a target group and performed slave labour for the Nazi regime.

As further stated in the First IOM Legal Successor Report, each deceased victim claim had already been approved by this Court in an IOM report, specifically the reports accompanying IOM Groups VI, VIII, X and XII. In approving these reports, the Court had already released funds to IOM for payment of compensation, so no additional funding transfer was requested or approved for the First Group of Payments to Legal Successors.

In my approval for the distribution of awards of USD 1,450 for each of 226 Slave Labour Class I victims deceased on or after 16 February 1999 to 351 eligible legal successors of those deceased eligible victims as described in the First IOM Legal Successor Report, however, it has been brought to my attention that the total amount to be distributed was incorrectly stated in the Order as USD 337,000 instead of USD 327,700 as was correctly stated in the report. It is further noted that IOM received no additional funds transfers as a result of this error, nor were payments to beneficiaries in IOM's First Group of Payments to Legal Successors delayed.

Accordingly, it is

ORDERED that this amended Order is hereby substituted to replace my Order dated May 10, 2006 to reflect that the amount distributed to eligible legal successors in the First Group of Payments to Legal Successors is accurately stated as USD 327,700.

SO ORDERED:

s/Edward R. Korman

Edward R. Korman
United States District Judge

Dated: Brooklyn, New York
12/8, 2006

DFF
C/E

IOM International Organization for Migration
OIM Organisation Internationale pour les Migrations
OIM Organización Internacional para las Migraciones

Holocaust
Victim Assets
Programme
SWISS BANKS

30 November 2006

Re: In re Holocaust Victim Assets Litigation
Case No. CV-96-4849 (ERK) (MDG)

Your Honor,

Pursuant to your Memorandum and Order of 18 June 2001, please accept for filing the original of the enclosed document and its attachment.

Amended Exhibit B: Amended Draft Court Order

Please note that the document referenced above is an amendment to our submission dated 28 April 2006 and included in the binder entitled "First IOM Legal Successor Report."

It is IOM's understanding that once the Order is signed by you, three copies of the signed original will be sent to the Clerk for docketing with the case files.

Respectfully submitted,

Judith Cole
Deputy Director, Claims Programmes

The Honorable Edward R. Korman
Chief Judge
United States District Court for
The Eastern District of New York
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE:

HOLOCAUST VICTIM ASSETS
LITIGATION

This document relates to: All Cases

Case No. CV 96-4849 (ERK)(MDG)
(Consolidated with CV 96-5161 and
CV 97-461)

MEMORANDUM & ORDER

Korman, Chief Judge:

I am in receipt of the April 28, 2006 Report and Recommendations of the International Organization for Migration (IOM) for the First Group of Payments to Legal Successors in In Re Holocaust Victim Assets Litigation (Swiss Banks) ("First IOM Legal Successor Report") which includes claims that were approved for payment both by the German Foundation and this Court as indicated in the Report. The First IOM Legal Successor Report advises that, in accordance with the Distribution Plan, my Memorandum & Order dated June 28, 2001, and my Memorandum & Order dated September 25, 2002, IOM will be prepared, on or about May ____, 2006 to begin to transfer payments to 351 eligible legal successors for 226 eligible deceased victims in Slave Labour Class I.

All of the 351 legal successors described in the First IOM Legal Successor Report satisfy the eligibility criteria as stated in the Swiss Banks Settlement Agreement, the Distribution Plan and the HVAP Rules as adopted by the Court in its implementing orders as well as the German Foundation Act, as it is applied to legal succession in the Swiss Banks programmes. Each eligible deceased victim described in the First IOM Legal Successor Report was a member of a target group and performed slave labour for the Nazi regime. Each deceased victim claim was already approved by this Court in an IOM report, specifically the reports accompanying IOM

Groups VI, VIII, X and XII. All legal successors in the First IOM Legal Successor Group have proven that the deceased victims died later than 15 February 1999. All legal successors have also proven that they informed IOM of their right to legal succession within the required notice period, have provided proof of relationship to the respective deceased victims and are the closest heirs, in accordance with the eligibility succession specified under the German Foundation Act.

As indicated, IOM has previously filed with the Court group reports summarizing, for each distinct group of deceased victims identified in a list attached to the group reports in Groups VI, VIII, X and XII, the basis for IOM's prior payment recommendations. In approving these reports, the Court released funds to IOM for payment of compensation and no additional funding is requested.

The names and other identification information relating to all eligible deceased victims and their respective eligible legal successors included herein have been filed with the Court under seal in an appendix ("HVAP LS List I") accompanying the First IOM Legal Successor Report, wherein IOM requests authorization from the Court to transfer funds previously released for payment by the Court to the eligible legal successors who are the proper parties.

Accordingly, in anticipation of the forthcoming distribution of awards of USD 1,450 for each of 226 Slave Labour Class 1 victims deceased on or after 16 February 1999 to 351 eligible legal successors of those deceased eligible victims;

and

who comprise this first group of legal successor payees, it is hereby

ORDERED that IOM pay the eligible legal successors listed in HVAP LS List I appended to the First IOM Legal Successor Report a total of USD 337,000.00, already transferred from the Settlement Fund to the IOM-HVAP Citibank Geneva Account to meet the projected distribution, as described in HVAP LS List I.

SO ORDERED:

~~s/Edward R. Korman~~

Edward R. Korman
United States District Judge

Dated: Brooklyn, New York
May 12, 2006